

EXHIBIT JJ

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

1:16-CV-03088-ELR

LARRY E. WINTER

November 30, 2022



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1 Q Sorry. I meant to say state funding. So is it
2 an accurate summary that all state funding has to be
3 approved by the General Assembly and the Governor's
4 Office, including these reimbursement funds?

5 A All of those funds are in the -- the larger
6 Georgia budget approved by that, that is correct.

7 Q Okay. And in this instance, it appears that
8 these funds were only allotted for 11 GNETS programs; is
9 that correct?

10 A Yes.

11 Q How does the State Board evaluate whether to
12 grant reimbursement requests to these 11 programs in this
13 instance?

14 A If you will recall what we said -- what I said
15 earlier, it would be based on the -- it could be based on
16 severity of the child, but more likely was this area, did
17 it have enough students or was it in a rural area where
18 it could not attract staff?

19 So, you know, for example, Metro Atlanta, they
20 wouldn't have trouble with numbers or the ability to get
21 staff, where extremely rural Georgia might have trouble
22 with both.

23 Q Okay. And similar to the other board items,
24 there is a performance section here, and it, among other
25 things, asks for a description of how the grant would be

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1 monitored to ensure satisfactory performance.

2 What was the State Board relying on in order to
3 monitor the effectiveness of the use of these
4 reimbursement funds?

5 MR. BELINFANTE: Object to form.

6 THE WITNESS: The reports of the staff that
7 were monitoring them.

8 Q BY MS. HAMILTON: And similar to the other one,
9 I do just want to note here in this initial description,
10 in addition to where it says "GaDOE conducts annual
11 monitoring," this next sentence says, "The behavior and
12 therapeutic supports component is an item to be monitored
13 for implementation fidelity on the strategic plan."

14 Do you see that?

15 A I do.

16 Q Okay. So is it correct that the strategic plan
17 was also a tool that was being used to monitor whether
18 the grant was being used -- sorry, I want to make sure
19 I'm using the correct terminology here -- to make sure
20 that the funding here was being used in the manner that
21 the programs that were being implemented -- sorry,
22 therapeutic services. Let me start over. That was a lot
23 that I did not say very clearly.

24 So I just basically want to confirm, was it
25 your understanding that the strategic plan was another

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1 tool that could be used to monitor the implementation of
2 these therapeutic services that were being provided here?

3 A That's my understanding.

4 Q All right. I'm going to share another
5 document.

6 MS. HAMILTON: I'd like for the court reporter
7 to mark this next document as Plaintiff's Exhibit 618.

8 (Plaintiff's Exhibit 618 was marked for
9 identification.)

10 Q BY MS. HAMILTON: This is a September 28th,
11 2017 e-mail from -- it's two different e-mails. There's
12 a forwarded e-mail and then the original e-mail, but the
13 forwarded e-mail was from Ted Beck to Larry Winter. And
14 the subject line was, "Forward: Item requested by
15 Mr. Winter in Budget Committee Meeting." The Bates
16 number on the first page is GA04450268.

17 Mr. Winter, I'll give you a moment to scroll
18 through to read the document, and then let me know when
19 you are ready.

20 A Okay, I have read it.

21 Q Okay. All right. Do you recognize this e-mail
22 chain, Mr. Winter?

23 A It would be consistent with correspondence that
24 I had.

25 Q Okay. All right. So looking at this original